

### **REMARKS/ARGUMENTS**

In an Office Action dated July 28, 2003, the Examiner required a restriction between the claims of Group I, claims 14-28, and the claims in Group II, claims 29-30.

Applicant hereby conditionally elects, with traverse, to prosecute the claims of Group I, 14-28. Applicants reserve the right to pursue the claim in Group II, claims 29-30, in a divisional application should such traversal be rejected. Applicants further retract the withdrawal of Claims 29 and 30 if the traversal of the restriction is accepted by the Office.

#### **I. The arguments presented in the Action**

In the arguments presented, it is stated that the species are differentiated in that:

1) Group I requires the cutting of microcomponents such that the individual or groups are separated from each other (removal of material exceeds the thickness of the material) (ostensibly depicted in Figures 5a-5c, per the Action);

2) Group II is delimited by the removal of material not exceeding the thickness of the material (ostensibly depicted in Figures 7, per the Action).

Based on the above comments in the Action, it is believed that the Action has not been interpreted correctly, and as such, the restriction requirement is respectfully traversed.

## **II. The Claims**

First, Claim 14 is directed to a dual step system. To wit, claim 14 recites a step of “mechanical machining” where the “mechanical machining [is] not carried out through the thickness of the substrate[.]” Claim 14 then recites the step of “cutting out the microcomponents[.]” Thus, in contradistinction to the Examiner’s assertion, only the step of machining requires that the step be undertaken such that the step is “not carried out through the thickness of the substrate[.]”

Claim 27 has a similar structure. Accordingly, the analysis of the restriction should be performed in a manner similar to Claim 14.

Claims 15-26 all depend on Claim 14. Accordingly, the analysis as espoused above should be applied to these claims as well.

## **III. The differences between the Claims as asserted in the Action and as presented**

In short, the Office Action indicates that the Office incorrectly construes the claims in Group I. The Action includes the statement that the Claims in Group I requires the cutting of microcomponents *such that* the individual or groups are separated from each other. In short, the Office is creating a link between two steps that has not been recited previously. Applicants respectfully request that the Office give a specific citation in the Claims of Group I to where a cutting is made “such that” the microcomponents or groups of microcomponents are separated out. In the absence of a specific citation (and

noting that that Applicants have failed to find such a link), Applicants believe that the request for restriction is improper due to this incorrect reading of the claims.

The claims of Group II may be viewed as a superset of those in Group I. The claims of Group II are directed to the formation stage of the microcomponent.

Accordingly, the Claims in Group II share similarities to those of Group 1.

#### **IV. Conclusion**

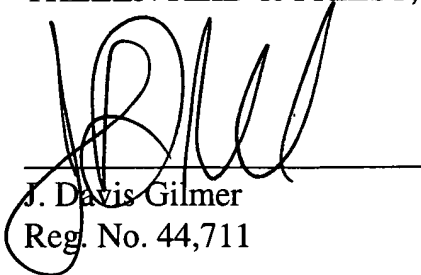
Thus, the restriction is respectfully traversed. Applicants hereby request an examination of all claims in the application. If such a traversal is subsequently rejected, Applicants request that the claims in Group I be examined. Accordingly, a conditional withdrawal from consideration is made to the Claims of Group II, dependent upon the results of the Office to the traversal.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Office feels that an interview would be helpful, the Office is urged to contact the attorney listed below for such an interview.

Respectfully submitted,

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